

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HOUSE CONCURRENT RESOLUTION 2019

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II,
BY ADDING SECTION 36, CONSTITUTION OF ARIZONA; RELATING TO PREFERENTIAL
TREATMENT OR DISCRIMINATION PROHIBITION.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article II, Constitution of Arizona, is proposed to be amended by
4 adding section 36 as follows if approved by the voters and on proclamation of
5 the Governor:

6 36. Preferential treatment or discrimination prohibited;
7 exceptions; definition

8 SECTION 36. A. THIS STATE SHALL NOT GRANT PREFERENTIAL
9 TREATMENT TO OR DISCRIMINATE AGAINST ANY INDIVIDUAL OR GROUP ON
10 THE BASIS OF RACE, SEX, COLOR, ETHNICITY OR NATIONAL ORIGIN IN
11 THE OPERATION OF PUBLIC EMPLOYMENT, PUBLIC EDUCATION OR PUBLIC
12 CONTRACTING.

13 B. THIS SECTION DOES NOT:

14 1. PROHIBIT BONA FIDE QUALIFICATIONS BASED ON SEX THAT
15 ARE REASONABLY NECESSARY TO THE NORMAL OPERATION OF PUBLIC
16 EMPLOYMENT, PUBLIC EDUCATION OR PUBLIC CONTRACTING.

17 2. PROHIBIT ACTION THAT MUST BE TAKEN TO ESTABLISH OR
18 MAINTAIN ELIGIBILITY FOR ANY FEDERAL PROGRAM, IF INELIGIBILITY
19 WOULD RESULT IN A LOSS OF FEDERAL MONIES TO THIS STATE.

20 3. INVALIDATE ANY COURT ORDER OR CONSENT DECREE THAT IS
21 IN FORCE AS OF THE EFFECTIVE DATE OF THIS SECTION.

22 C. THE REMEDIES AVAILABLE FOR A VIOLATION OF THIS SECTION
23 ARE THE SAME, REGARDLESS OF THE INJURED PARTY'S RACE, SEX,
24 COLOR, ETHNICITY OR NATIONAL ORIGIN, AS ARE OTHERWISE AVAILABLE
25 FOR A VIOLATION OF THE EXISTING ANTIDISCRIMINATION LAWS OF THIS
26 STATE.

27 D. THIS SECTION APPLIES ONLY TO ACTIONS THAT ARE TAKEN
28 AFTER THE EFFECTIVE DATE OF THIS SECTION.

29 E. THIS SECTION IS SELF-EXECUTING.

30 F. FOR THE PURPOSES OF THIS SECTION, "STATE" INCLUDES
31 THIS STATE, A CITY, TOWN OR COUNTY, A PUBLIC UNIVERSITY,
32 INCLUDING THE UNIVERSITY OF ARIZONA, ARIZONA STATE UNIVERSITY
33 AND NORTHERN ARIZONA UNIVERSITY, A COMMUNITY COLLEGE DISTRICT, A
34 SCHOOL DISTRICT, A SPECIAL DISTRICT OR ANY OTHER POLITICAL
35 SUBDIVISION IN THIS STATE.

36 2. The Secretary of State shall submit this proposition to the voters
37 at the next general election as provided by article XXI, Constitution of
38 Arizona.

PASSED BY THE HOUSE JUNE 18, 2009.

PASSED BY THE SENATE JUNE 22, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 29, 2009.